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39. A purified polypeptide comprising an amino acid sequence selected from the group consisting of:

- D/27
- c) an amino acid sequence of SEQ ID NO:2,
 - d) a naturally-occurring amino acid sequence having at least 90% sequence identity to the sequence of SEQ ID NO:2,
 - e) a biologically-active fragment of the amino acid sequence of SEQ ID NO:2, and
 - f) an immunogenic fragment of the amino acid sequence of SEQ ID NO:2.

REMARKS

Claims 13, 17-33 are pending in this application. Claims 18 has been canceled by this amendment. Claims 34-39 have been added. No new matter is added by these amendments. Entry of these amendments is respectfully requested.

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

- Group I (claim 13) drawn to an antisense nucleic acid.
- Group II (claim 17) drawn to a hybridization detection method.
- Group III (claim 18) drawn to a polypeptide.
- Group IV (claims 19, 22, and 24) drawn to an antibody.
- Group V (claims 21 and 23) drawn to a method of making an antibody.
- Group VI (claims 20 and 33) drawn to an antibody-based detection method.
- Group VII (claims 31 and 32) drawn to a method of treatment.
- Group VIII (claim 25) drawn to a method of screening for agonist.
- Group IX (claim 27) drawn to a method of screening for antagonist.
- Group X (claim 26) drawn a pharmaceutical composition of an agonist.
- Group XI (claim 28) drawn a pharmaceutical composition of an agonist.
- Group XII (claim 29) drawn a method of treatment using an agonist.
- Group XIII (claim 30) drawn a method of treatment using an antagonist.

Applicant hereby elects, with traverse, to prosecute Group III, which includes and is drawn to new claim 39, which replaces canceled claim 18. Applicant reserves the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

Applicant submits that the invention encompassed by the claims of Groups III and IV (drawn to polypeptides and antibodies to the polypeptides) could be examined at the same time, without undue burden on the Examiner. For example, a search of the prior art to determine the novelty of the antibodies would substantially overlap with a search of the claims directed to the polypeptide, as they would also encompass compounds which bind to the polypeptide. Note that this would also apply to the claims of the other groups.

Accordingly, because the searches required to identify prior art relevant to the claims of Groups I- XIII would substantially overlap, Applicant respectfully submits that examination of all of the pending claims would pose no undue burden. Thus, Applicant requests reconsideration and withdrawal of the Restriction Requirement and examination of the entirety of Applicant's claims.

Moreover, it is noted that the polynucleotides of original claim 2, expression vectors and host cells containing them, methods of making the polypeptide encoded by the polynucleotides and methods of hybridization have already been examined and issued in the parent application. Group II of the restriction includes claim 17, which is directed to a method of detecting those polynucleotides, could have and should have been examined with those claims. Applicant submits herewith new claims 34-38, which are drawn to substantially the same invention as those claims, including claim 21 which corresponds to claim 17, but of a different scope. Applicant respectfully submits that there is minimal additional burden on the Examiner to examine those claims in addition to the claims elected in the present application, particularly in view of the searches and examination which were already conducted with respect to the previously issued claims and the additional burden on Applicant to file, prosecute and maintain yet another application in this family, and respectfully request that the Examiner consider doing so.

Docket No.: PF-0066-2 DIV

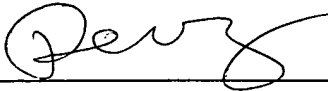
Applicant believes a fee is due with this communication, and the Commissioner is hereby authorized to charge such fee to Deposit Account No. **09-0108**.

This form is enclosed in duplicate.

Respectfully submitted,

INCYTE PHARMACEUTICALS, INC.

Date: 4/12/00



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